

EXHIBIT 1

RESOLUTION NO. 08-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA CLARA, CALIFORNIA, APPROVING GENERAL PLAN AMENDMENT #68 CHANGING A LAND USE DESIGNATION FROM MIXED USE TO TRANSIT-ORIENTED MIXED USE, A REZONING FROM CT (THOROUGHFARE COMMERCIAL) TO PD (PLANNED DEVELOPMENT): AND APPROVING A MITIGATION MONITORING PLAN FOR THE PROPERTY LOCATED AT 2585 EL CAMINO REAL, SANTA CLARA, CA 95050

SCH# 2008032006

CEQ2007-01047 (Mitigated Negative Declaration)

PLN2007-06379 (Application for General Plan Amendment #68 and Rezoning)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SANTA CLARA, CALIFORNIA, AS FOLLOWS:

WHEREAS, the 1992 General Plan of the City of Santa Clara ("General Plan") has designated the property at 2585 El Camino Real in the City of Santa Clara ("Project Site") as Mixed Use; and

WHEREAS, the Project Site is currently zoned as Thoroughfare Commercial (CT) and currently contains a used car lot; and

WHEREAS, on May 18, 2007, Greg Malley ("Applicant"), submitted an application for a General Plan Amendment land use designation from Mixed Use to Transit-Oriented Mixed Use; a rezone from Commercial Thoroughfare (CT) to Planned Development (PD); in order to develop a four-story mixed use project, consisting of: ground-floor retail uses; sixty (60) condominium units above podium parking; and approval of a development plan attached hereto as Exhibit A; and

WHEREAS, in order to effectuate the development application, the General Plan for the Project needs to be amended to Transit-Oriented Mixed Use and the property needs to be rezoned to a Planned Development (PD); and

WHEREAS, in accordance with California's Environmental Quality Act ("CEQA"), City staff members prepared and circulated a Mitigated Negative Declaration for the Project; and

WHEREAS, the Code of the City of Santa Clara ("SCCC"), Section 18.112.040 provides for the City's Planning Commission to make a recommendation to the City Council for all General Plan Amendments and rezoning requests; and

WHEREAS, SCCC Section 18.112.030 requires that the City Council consider the General Plan Amendment and rezoning of a property only after holding a public hearing; and

WHEREAS, SCCC Section 18.112.060 requires that notice of the hearing be given by posting the property in at least three (3) conspicuous places at least ten (10) days prior to the hearing date; and

WHEREAS, SCCC Section 18.112.060 further requires that notice of the hearing be given by mailing notices to property owners, as of the last assessor's roll, within three hundred (300) feet of the boundary of the property; and

WHEREAS, following a noticed, public hearing on June 25, 2008 for the Project approvals, the Planning Commission adopted Resolution No. 08-006, approving the Mitigated Negative Declaration and recommending to the City Council of the City of Santa Clara that it: (1) adopt the Mitigated Negative Declaration; (2) approve General Plan Amendment #68 changing the land use designation for 2585 El Camino Real from Mixed Use to Transit-Oriented Mixed Use; (3) approve a rezone of the Property to a Planned Development (PD) Zone ("Planning Commission Resolution"); and (4) approve the development plan attached hereto as Exhibit A;

(5) approve the mitigation monitoring plan attached hereto as Exhibit B; (6) approve the conditions of approval attached hereto as Exhibit C; (7) in accordance with General Plan Housing Affordability Program 16, ten percent (10%) or six (6) of the condominium units shall be affordable housing units; (8) approve the Project consisting of a four-story mixed use project with ground floor retail uses, 60 condominium units above podium parking that includes six (6) affordable housing units, site access, circulation, surface parking and landscape improvements; and

WHEREAS, notices describing the proposed General Plan amendment and rezoning were sent to neighboring property owners on August 15, 2008; and

WHEREAS, notices describing the proposed General Plan amendment and rezoning were posted at the Project Site on August 15, 2008; and

WHEREAS, the Project entitlements will include Resolution No. 08-006 Mitigated Negative Declaration, General Plan Amendment #68 and this Rezoning Resolution (collectively the "Entitlements"); and

WHEREAS, before considering General Plan Amendment #68 and Rezoning of the Project Site, the City Council independently reviewed and considered the information contained in the Mitigated Negative Declaration for the Project (SCH #2008032006); and

WHEREAS, the City Council finds that the mitigation measures identified in the Mitigated Negative Declaration have been incorporated and imposed on the Project, sufficient to mitigate or avoid the significant environmental effects and that these are specific economic, social and other considerations which make infeasible the project alternatives that would avoid or mitigate the environmental impacts; and

WHEREAS, the City Council has reviewed the requested General Plan amendment and rezoning of the Project and conducted a public hearing.

NOW THEREFORE, BE IT FURTHER RESOLVED BY THE CITY COUNCIL OF THE CITY OF SANTA CLARA, CALIFORNIA, AS FOLLOWS:

1. Exhibits. All exhibits attached to this Resolution are incorporated as if fully set forth herein by reference;
2. 2585 El Camino Real, consisting of approximately 1.45 acres, shown in the Development Plan attached here to as Exhibit A, amended from a General Plan land use designation of Mixed Use to Transit-Oriented Mixed Use and rezoned from Thoroughfare Commercial (CT) to Planned Development (PD) for mixed use commercial and residential development, based on the findings set forth in this Resolution;
3. General Plan Amendment Findings. California Government Code Section 65358(b), the City Council finds and determines that: (1) the City has not amended its General Plan in 2008; (2) the public necessity or convenience of the general welfare require amendment of the General Plan as set forth above because it will conserve property values by allowing development on a lot that is currently underutilized as a used car sales lot; (3) protect or improve the existing character and stability of the area in question because it will redevelop an underutilized site with infill commercial and residential uses and site improvements consistent and compatible with surrounding land uses.
4. Rezoning Findings. Pursuant to SCCC Section 18.12.110, the City Council finds and determines that the public necessity or convenience of the general welfare require the rezonings set forth above in order to conserve property values because the existing property is underutilized as a commercial property and would provide a commercial and residential benefit to the City

through sales tax and property tax revenues in conjunction with the contribution of affordable and market rate housing to the city's housing stock through private investment, protect or improve the existing character and stability of the Project area by redeveloping the site with quality residential and commercial uses consistent and compatible with surrounding land uses , promote the orderly and beneficial development of such area, and allow imaginative planning and design concepts to be utilized in the development of a mixed use project consisting of ground floor retail and residential condominiums above podium parking which would otherwise be restricted in other zoning districts.

5. That, based on the findings set forth in this Resolution, the evidence in the City Staff Report, the City Council hereby amends the General Plan and rezones the Project Site as set forth herein, adopts the Mitigated Negative Declaration, approves the Mitigation Monitoring and Reporting Program, approves the development plan for a mixed use Project with ground floor retail uses, 60 condominium units above podium parking that includes six (6) affordable housing units. site access, circulation, surface parking and landscape improvements.

6. Constitutionality, Severability. If any section, subsection, sentence, clause, phrase, or word of this Resolution is for any reason held by a court of competent jurisdiction to be unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of the Resolution. The City Council of the City of Santa Clara hereby declares that it would have passed this Resolution and each section, subsection, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more section(s), subsection(s), sentence(s), clause(s), phrase(s), or word(s) be declared invalid.

I HEREBY CERTIFY THE FOREGOING TO BE A TRUE COPY OF A RESOLUTION PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF SANTA CLARA,

CALIFORNIA, AT A REGULAR MEETING THEREOF HELD ON THE ____th DAY OF

August, 2008, BY THE FOLLOWING VOTE:

AYES: COUNCILORS:

NOES: COUNCILORS:

ABSENT: COUNCILORS:

ABSTAINED: COUNCILORS:

ATTEST: _____

ROD DIRIDON, JR.
CITY CLERK
CITY OF SANTA CLARA

Attachments Incorporated by Reference:

1. Exhibit A: Development Plan
2. Exhibit B: Mitigation Monitoring and Reporting Program
3. Exhibit C: Conditions of Approval